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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,735	07/08/1999	JAMES MCKEETH	5949-11	7062

7590 12/04/2003

KNOBBE MARTENS OLSON & BEAR LLP  
620 NEWPORT CENTER DRIVE  
SIXTEENTH FLOOR  
NEWPORT BEACH, CA 92660

EXAMINER
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CHUONG, TRUC T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/349,735	07/08/1999	JAMES MCKEETH	5949-11	7062

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## Office Action Summary

Application No.

09/349,735

Applicant(s)

MCKEETH, JAMES

Examiner

Truc T Chuong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10, 14-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 14-16, and 19-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to Amendment A, filed 09/03/03.
2. Claims 1-10, 14-16, and 19-22 are pending in this application. Claims 1, 14, 19, and 20 are independent claims. In Amendment A, claims 1, 14, and 19 are amended. Claim 22 is a new claim. This action is made final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

### ***Claim Rejections - 35 USC § 102***

4. Claims 1-10, 14-16, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Slivka et al. (U.S. Patent No. 6,061,695).

As to claim 1, Slivka teaches a method for performing interactive computer diagnostic and maintenance actions on an electronic device, the method comprising of:

presenting via the electronic device a graphical representation of a text markup language document (synthesizes the view as a hypertext page, col. 6 lines 20-26 and fig. 2) wherein the graphical representation includes at least one user interactive control for activating a hypertext link (activated software, col. 6 lines 41-53, and col. 10 lines 54-64);

receiving an activated hypertext link wherein the hypertext link is associated with hypertext link attributes by the text markup language document including attributes specifying a target and a uniform resource locator (col. 9 lines 24-58, col. 10 lines 54-64, and col. 16 lines 15-22); and

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performing an initial action with respect to the electronic device (interact, col. 5 lines 61-64 and col. col. 14 line 34-36) responsive to receiving the activated hypertext link (col. 29 lines 20-35 and figs. 6 and 7); and

wherein the initial action is one of downloading a device driver identified with a hardware component of the electronic device (component part of the operating system, col. 1 lines 15-40; download server application, col. 17 lines 32-50), generating a disk image (Icons in window 180 of fig. 7 show their own meanings such as disk images, folders, animations, and software packages.), or installing a service pack.

As to claim 2, Slivka teaches the method of claim 1 wherein the text markup language is hypertext markup language (HTML, col. 18 lines 59-65 and elements 107 and 178 of fig. 7).

As to claim 3, Slivka teaches the method of claim 1 wherein the text markup language is Rich Text Formatting (element 178 is showed hypertext can be Bold and Underline).

As to claim 4, Slivka teaches the method of claim 1 wherein the target is RUN and the action causes a file designated by the uniform resource locator to execute (activating icons or hyperlinks, col. 10 lines 44-53).

As to claim 5, Slivka teaches the method of claim 1 wherein the target triggers an action comprising looking up the uniform resource locator in a database and executing a subsequent action specified in the database as relating to the uniform resource locator (system registry database, col. 9 lines 29-65).

As to claim 6, Slivka teaches the method of claim 5 wherein the subsequent action comprises installation of a software driver (install a control, col. 17 lines 16-24) .

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As to claim 7, Slivka teaches the method of claim 5 wherein the subsequent action comprises execution of a routine to identify a device to install (tags, col. 17 lines 32-50).

As to claim 8, Slivka teaches the method of claim 1 wherein the action comprises execution of a disk image dialogue with a source specified in the uniform resource locator (Mwavtsr icon of the screen 180, fig. 7).

As to claim 9, Slivka teaches the method of claim 1 wherein the action comprises opening a folder specified in the uniform resource locator in a window (using URL, col. 17 lines 16-19).

As to claim 10, Slivka teaches the method of claim 1 wherein the uniform resource locator references an online document and the action generates a dynamic frameset and loads a first page of the document (figs. 6 and 7, display in order, col. 1 lines 30-49).

As to claim 14, this is a system claim of method claim 1. Note the rejection of claim 1 above.

As to claim 15, this is a system claim of method claim 5. Note the rejection of claim 5 above.

As to claim 16, this is a system claim of method claim 2. Note the rejection of claim 2 above.

As to claim 19, this is a computer program product claim of method claim 1. Note the rejection of claim 1 above.

As to claim 20, this is a computer program product claim of method claim 5. Note the rejection of claim 5 above.

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As to claim 21, this is a computer program product claim of method claim 4. Note the rejection of claim 4 above.

As to claim 22, this is similar in scope to claim 1 above except performing a computer maintenance action (col. 5 lines 41-57).

### ***Response to Arguments***

5. Applicant's arguments filed 09/03/03 have been fully considered but they are not persuasive.

Applicants argued the following:

a. Slivka merely teaches or suggests "performing an initial action with respect to the electronic device responsive to receiving the activated hypertext link; and wherein the initial action is one of downloading a device driver identified with a hardware component of the electronic device, generating a disk image, or installing a service pack."

b. In claim 7, Slivka teaching of "tags" to install a device is different type of action that is claimed by the present invention.

The Examiner disagrees for the following reasons:

Per (a), Slivka clearly teaches the initial action is one of downloading a device driver identified with a hardware component of the electronic device (component part of the operating system, col. 1 lines 15-40; download server application, col. 17 lines 32-50), generating a disk image (Icons in window 180 of fig. 7 show their own meanings such as disk images, folders, animations, and software packages.), or installing a service pack.

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Per (b), Slivka's reference clearly reads on the claim language because Slivka's invention shows "When displaying the hypertext view 54 of the hypertext page 56, the hypertext viewer 70 parses the HTML object embedding tags along with the other HTML format data in the hypertext documents. On encountering the HTML object embedding tags for the desktop interface controls 64 during the parsing, the hypertext viewer 70 instantiates the desktop controls 64 using the class identifiers specified in the tags. If the server applications for the controls 64 are not installed on the computer 20 (FIG. 1), the hypertext viewer 70 can download the server application using the URLs specified as the codebase attribute of the tags (if any). The hypertext viewer 70 then displays the instantiated desktop interface controls 64 together with the other content of the hypertext page in the hypertext view 54. In addition to the desktop interface controls 64 which implement the desktop and folder view functionality of the shell, other ActiveX controls also can be incorporated in the same manner to provide further multi-media enhancements in the form of executable software content" (sic, col. 17 lines 32-50).

### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37



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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Truc T Chuong whose telephone number is 703-305-5753. The examiner can normally be reached on M-Th and alternate Fridays 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Truc T. Chuong

11/12/03

*Kristine Kincaid*  
KRISTINE KINCAID  
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